

**Amendment**

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**REMARKS/ARGUMENTS**

Claims 1-20 remain in this application. Claims 14-20 have been withdrawn. The Office has required restriction for examination purposes to one of the following classes:

- I. Claims 1-13 drawn to a thermal energy storage composition.
- II. Claims 14-20 drawn to a method for producing macrocapsules containing a plurality of microcapsules.

Applicants hereby affirm the election of Group I, claims 1-13 for prosecution without traverse. Accordingly, claims 14-20 have been withdrawn.

Claims 10 and 11 have been objected to as being dependent upon a rejected base claim but allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims. While applicants appreciate the early notification of patentable subject matter, applicants nonetheless submit that a broader scope of patent protection should be available for the invention.

Claims 1-8 and 12 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,366,801 to Bryant et al. Bryant et al. disclose fabrics coated with a binder containing microcapsules filled with energy absorbing phase change material. The coating comprises a polymer binder and a plurality of microcapsules dispersed throughout the polymer. The microcapsules may contain a phase change material. The Office action indicates that "the binder is viewed as including the concept of the macrocapsule as herein claimed since there is nothing on the record to indicate any other interpretation, e.g. the structures appear to be essentially identical in scope." Office action, page 4. Applicants respectfully submit that the Bryant et al. fail to disclose or suggest macrocapsules containing therein a plurality of microcapsules as set forth in the claims of the pending application. Applicants submit that there are structural differences

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between macrocapsules and microcapsules in a polymeric binder. These differences are known to those of skill in the art and are set forth in the present application.

Macrocapsules comprise a wall material and are in the form discrete droplets. The Bryant et al. disclosure of microcapsules in a binder fails to disclose or suggest a plurality of microcapsules in discrete macrocapsules. Microcapsules in a coating layer containing a binder are not in macrocapsules. Therefore, applicants respectfully submit that claims 1-8 and 12 are patentable over the '801 patent for at least these reasons.

Claims 1-4, 7, 8 and 12 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,415,222 to Colvin et al. Colvin et al. also fail to disclose or suggest the macrocapsules containing a plurality of microcapsules as set forth in the present application. Colvin et al. disclose macrocapsules in a pouch but fails to disclose or suggest macrocapsules containing a plurality of microcapsules. In fact, the '222 patent clearly indicates that the pouch contains macrocapsules and not microcapsules. Therefore, applicants respectfully submit that the claims of the present application are patentable over the '222 reference as well.

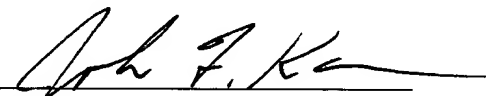
Claims 1-9, 12 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bryant et al. U.S. Pat. No. 5,366,801. Applicants submit that the obviousness rejection fails for the same reason as set forth above. Bryant et al. fail to disclose or suggest the claimed macrocapsules containing a plurality of microcapsules. Therefore, applicants submit that claims 1-9, 12 and 13 are patentable over Bryant et al.

In view of the foregoing comments, it is respectfully submitted that the claims now pending are patentably distinct from the references cited and are in condition for allowance. Reconsideration and withdrawal of the rejections of record are respectfully requested. If the examiner wishes to discuss any aspect of this case, please contact the undersigned at the telephone number indicated below.

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